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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/692,215	10/23/2003	Kasy Srinivas	MS306690.1/MSFTP534US	8230
27195	7590	07/05/2006	EXAMINER	
AMIN. TUROCY & CALVIN, LLP 24TH FLOOR, NATIONAL CITY CENTER 1900 EAST NINTH STREET CLEVELAND, OH 44114			HARPER, LEON JONATHAN	
			ART UNIT	PAPER NUMBER
			2166	

DATE MAILED: 07/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/692,215	Applicant(s) SRINIVAS ET AL.	
	Examiner Leon J. Harper	Art Unit 2166	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 1-16(group 1) and 17-50 (group 2) are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>6/12/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action is in response to application 10/692/215 filed on 10/23/2003.

Claims 1-50 are pending in this office action.

Election/Restrictions

2. During a telephone conversation with Himanshu Amin on June 2nd a provisional election was made with traverse to prosecute the invention Systems and methods that Schematize Audio/Visual data , claims 1-16. Affirmation of this election must be made by applicant in replying to this office action. Claims 17-50 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

3. Restriction to one of the following invention was required under 35 U.S.C. 121:

- I. Claims 1-16 drawn to a system for managing disparate files utilizing a multimedia file system , classified in class 707, subclass 104.1.
- II. Claims 17-50 drawn to managing files based on a schema bank, that utilizes the schema to manipulate and retrieve audio and visual data , classified in class 707, subclass 100.

4. The inventions are distinct from each other because of the following reasons: Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown

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to be separately usable. In the instant case, invention I has a separate utility such as augmenting a query. Invention II has a separate utility such as generating a search query. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purpose as indicated is proper.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 1- 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 6564263 (hereinafter Berg) (art of record) in view of US 5990883 (hereinafter Byrne) (art of record).

As for claim 1 Berg discloses: a management component (See column 5 lines 20-23 server is the management component), and a multimedia file system, wherein the management component manages the disparate files as of data within the multimedia file system (See column 6 lines 39-45).

While Berg does not differ substantially from the claimed invention, the disclosure of as one entity is not necessarily explicit. Byrne however does disclose multiple files as one entity (See column 4 lines 20-25). It would have been obvious to an artisan of ordinary skill in the pertinent art to have incorporated the teaching on Byrne into the system of Berg. The modification would have been obvious because the combination of these methods provide a convenient way for a user to review and select content from a variety of physical sources (See Byrne column 1 lines 54-58).

As for claim 2, the rejection of claim 1 is incorporated, and further Berge discloses: the disparate files comprise one or more of audio, video, image and document files (See column 8 lines 22,28,37,40 for an audio, video, and image example).

As for claim 3, the rejection of claim 1 is incorporated, and further Berg discloses: the management component establishes links between disparate files via forming relationships with one or more contact items (See column 7 line 65- column 8 line 4 note: the server can transform any item into any other item for the purpose of structure linking also for more explicit disclosure see column 14 lines 23-26).

As for claim 4, the rejection of claim 3 is incorporated, and further Berg discloses: the management component utilizes the one or more contact items in connection with querying across and within the disparate files (See column 5 lines 20-25).

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As for claim 5, the rejection of claim 3 is incorporated, and further Berg discloses: the one or more contact items include one or more of information related to a phone number, an address and a link to emails (See column 21 lines 5-8 note: a web address is still an address).

As for claim 6, the rejection of claim 1 is incorporated, and further Berg discloses: the management component locates, associates and suggests metadata for a received file, the suggested metadata includes information indicative of a level confidence that the suggested metadata corresponds to the received file (See column 14 lines 62-66).

As for claim 7, the rejection of claim 6 is incorporated, and further Berg discloses: at least one of the suggested metadata is manually selected by user or automatically selected by the management component and associated with the file (See column 9 lines 63-65: the exception means it is not automatically generated but is manually selected).

As for claim 8, the rejection of claim 1 is incorporated, and further Berg discloses: the management component resolves an association between a received file and an originating source of the received file (See column 14 lines 20-25 note: the relationships between the old files and new version are maintained).

As for claim 9, the rejection of claim 8 is incorporated, and further Berg discloses: the management component stores an original and the resolved association with the received file (See column 10 lines 1-10).

As for claim 10, the rejection of claim 1 is incorporated, and further Byrne discloses: the management component associates one or more ratings with a file (See column 6 line 37).

As for claim 11, the rejection of claim 10 is incorporated, and further Byrne discloses: the one or more ratings comprises one or more of a parental, a quality and a user rating (See column 9 line 1-11 note: there is a different rating system id for each of the rating types).

As for claim 12, the rejection of claim 10 is incorporated, and further Byrne discloses: the one or more ratings is associated with one or more of an audio, a movie and a television rating (See column 9 lines 1-10 note these are tv ratings).

As for claim 13, the rejection of claim 10 is incorporated, and further Byrne discloses: the one or more ratings is employed in connection with querying across the disparate files (See column 9 lines 1-10 note: all of these tables can be searched or queried).

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As for claim 14, the rejection of claim 1 is incorporated, and further Berg discloses: the management component maintains a history of a stored file (See column 10 lines 1-10 different versions = history).

As for claim 15, the rejection of claim 14 is incorporated, and further Berg discloses: the file history is utilized in connection with intelligent decision-making to automate at least one of execution, manipulation and access to the file (See column 10 lines 11- 15 transformation is a manipulation).

As for claim 16, the rejection of claim 1 is incorporated, and further Byrne discloses: the management component generates one or more sub- parts for video, the sub-parts are associated with respective portions of the video and can be utilized to return to respective portions of the video (See column 11 lines 5-10).

Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leon J. Harper whose telephone number is 571-272-0759. The examiner can normally be reached on 7:30AM - 4:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hosain T. Alam can be reached on 571-272-3978. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJH
Leon J Harper
June 12, 2006


MOHAMMAD ALI
PRIMARY EXAMINER